

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 07-CR-20141
HON. GEORGE CARAM STEEH

EZELL JOHNSON,

Defendant.

_____/

ORDER DENYING DEFENDANT'S MOTION TO EXCLUDE
DEFENDANT'S STATEMENTS (#21) AND
GRANTING IN PART DEFENDANT'S SECOND MOTION FOR DISCOVERY (#20)

For the reasons stated on the record at a July 16, 2007 hearing, defendant Ezell Johnson's motion to exclude statements he made to law enforcement officers on December 8, 2006, as reflected in a written "Report of Investigation," is hereby DENIED. Defendant's motion to exclude statements reflected in the written "Report of Investigation regarding other criminal activity and individuals, and of having sold drugs in the past, is hereby DENIED without prejudice. The Government shall make a proffer before trial as to the use of such statements consistent with its anticipated filing of notice of intent to use Rule 404(b) evidence. Defendant may then again move to exclude the statements. Defendant's second motion for discovery is hereby GRANTED, IN PART, to the extent that: (1) the Government shall inquire as to the existence of Detroit Police Department records related to defendant's December 8, 2006 arrest, including interview sheets and impound records, and shall disclose such if located, and; (2) the Government shall disclose the names and

summaries of its expert witnesses to defendant by September 14, 2007. The remainder of defendant's second motion for discovery is hereby DENIED as MOOT.

SO ORDERED.

Dated: July 17, 2007

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on July 17, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk